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~~02301-9803-CL-00048~~

1 IN THE CRIMINAL COURT OF MADISON COUNTY, TENNESSEE

2 AT JACKSON, DIVISION I

3 STATE OF TENNESSEE

4

5 VS.

No. 96-589

FILED

JUL 2 8 1997

JOE GAFFNEY, CIRCUIT COURT CLERK
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A.M.

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7 JON DOUGLAS HALL

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10 TRANSCRIPT OF EVIDENCE

11 FEBRUARY 5, 1997

12 VOLUME IV

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AMY MAYS

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OFFICIAL COURT REPORTER

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MADISON COUNTY COURTHOUSE - THIRD FLOOR

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JACKSON, TENNESSEE 38301

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1 (Court was reconvened at 8:30 a.m.;
2 the jury continued deliberation;
3 the jury returned into open court
4 at 10:59 a.m. to report their verdict
5 as follows:

6 THE COURT: Will the foreman or forelady
7 please stand?

8 Ma'am, has the jury reached a verdict?

9 FORELADY: Yes, sir.

10 THE COURT: What is the verdict?

11 FORELADY: We, the jury, find the Defendant
12 Jon Douglas Hall guilty of first degree murder.

13 THE COURT: First degree murder?

14 FORELADY: Yes, sir.

15 THE COURT: All right, ladies and gentlemen,
16 be seated.

17 Members of the jury, you have now found the
18 Defendant guilty beyond a reasonable doubt of murder in
19 the first degree as charged in the indictment Number
20 96-589. It is now your duty to determine within the
21 limits provided by law the penalty which shall be
22 imposed as punishment for this offense.

23 Tennessee law provides that a person
24 convicted of murder in the first degree shall be
25 punished by death, by imprisonment for life without the

1 possibility of parole, or by imprisonment for life.

2 The defendant who receives a sentence of imprisonment
3 for life shall not be eligible for parole consideration
4 until the Defendant has served at least 25 years, 25
5 full calendar years of such sentence.

6 The defendant who receives a sentence of
7 imprisonment for life without parole shall never be
8 eligible for release or parole.

9 In arriving at this determination, you are
10 authorized to weigh and consider any mitigating
11 circumstances and any aggravating -- statutory
12 aggravating circumstances which may have been raised by
13 the evidence throughout the entire course of this
14 trial, including the guilt-finding phase or sentencing
15 phase or both.

16 The jury is the sole judge of the facts and
17 the law as it applies to the facts in this case. In
18 arriving at your verdict you will consider the law in
19 connection with the facts, but the Court is the proper
20 source from which you are to get the law. In other
21 words, you are the judges of the law as well as the
22 facts, under the direction of the Court. The burden of
23 proof is upon the State to prove any statutory
24 aggravating circumstances or circumstances beyond a
25 reasonable doubt. A reasonable doubt is a doubt based

1 upon reason and common sense after careful and
2 impartial consideration of all the evidence in this
3 case. It is not necessary that the aggravating
4 circumstance or circumstances be proved beyond all
5 possible doubt, as an absolute certainty is not
6 demanded by the law. Reasonable doubt is just that, a
7 doubt that is reasonable after examination of all the
8 facts in this case. The law makes you, the jury, the
9 sole and exclusive judges of the credibility of the
10 witnesses and the weight to be given to the evidence.

11 Each side will be given the opportunity to
12 make an opening statement and present any proof as to
13 their respective position. At the end of the proof,
14 the lawyers will again have an opportunity to make a
15 closing argument. At that time I'll instruct you as to
16 the law as it applies in the penalty phase.

17 **(The jury was polled as to their**
18 **verdict by the Court, and all**
19 **jurors answered in the affirmative;**
20 **the jury was excused from open court;**
21 **and the following proceedings were**
22 **had to-wit:)**

23 MR. WOODALL: My understanding, Your Honor
24 had -- or your clerk had some question as to number
25 seven, whether we could rely upon it as an aggravating

1 circumstance, theft and burglary. I called the State
2 Attorney General's office and have the latest case on
3 that which seems to be on point. It's a murder,
4 premeditated murder, which is alleged here and found by
5 the jury here, where they used felony murder
6 aggravating circumstances, and that's what we're doing.

7 I'll give you the citation, if it please the
8 Court. I didn't bring the book with me. The phone
9 call came before I --

10 THE COURT: Well what is the book?

11 MR. WOODALL: It will be 876 S.W.2d, 75, and
12 it's a Brimmer case. I suggest the Court look at Page
13 77 with the following Pages 83 and 84. The State
14 Attorney General's office said that's well-settled that
15 that was a --

16 THE COURT: Well after we decide that, I'm
17 going to allow an opening statement, as it says, by
18 each one of you, and will you please be ready after I
19 look at this law.

20 (There was a short recess, and out
21 of the hearing and presence of jury,
22 the following proceedings were
23 had to-wit:)

24 THE COURT: Gentlemen, after consideration
25 and particularly considering the case of the State vs.

1 Brimmer, 876 S.W.2d, 75, the Court is of the opinion
2 that the third aggravating circumstance should not be
3 charged.

4 Now in the Brimmer case, the question of
5 robbery was used in the guilt phase and was not used in
6 the sentencing phase, and if I were to allow point
7 three, it would appear to the Court that the jury would
8 have to find the Defendant guilty of burglary or
9 attempt to commit burglary, and that would mean that
10 we're using something in the sentencing phase that
11 should have properly been used in the guilt phase. For
12 that reason I'm going to disallow number three. The
13 other two I will allow.

14 So what we'll do is call the jury in, and I'm
15 going to advise them that they now will have opening
16 statements, and they can consider, as I've stated,
17 what's already taken place, along with anything else.

18 MR. WOODALL: Fine, Your Honor.

19 **(The jury returned into open court;**
20 **opening statements were made on**
21 **behalf of the State and the Defendant;**
22 **and the following proceedings were**
23 **had to-wit:)**

24 MR. WOODALL: Your Honor, the State would
25 call Dr. O. C. Smith.

1 **DR. O. C. SMITH** was called and being first
2 duly sworn, was examined and testified as follows:

3 **DIRECT EXAMINATION**

4 **BY MR. WOODALL:**

5 Q Dr. Smith, you've already been identified to
6 the jury and again been sworn, and I formally will ask
7 you to look at the mannequin on which you utilized
8 yesterday to draw in with green pen certain injuries
9 received by Billie Jo Hall and ask you if that is the
10 one and the same mannequin?

11 A Yes, sir, it is.

12 Q I would like to ask that at this time that
13 that be made an exhibit for your testimony today and
14 marked as State's Exhibit Number 8.

15 **(Exhibit 8 was marked and entered.)**

16 Q Now, Doctor, did you take or did you have
17 taken or were you provided with a group of photographs
18 which were taken concerning the remains of Billie Hall
19 that you have examined and have utilized in preparation
20 for your testimony in the penalty phase of this trial

21 A Yes, sir, these are photographs that I took
22 by my own hand during the conduct of the autopsy on
23 Mrs. Hall. Additionally, I did prepare enlargements of
24 those using our digital camera and computer set-up.

25 Q I'll hand to you which I will ask be marked

1 as State's Exhibit Number 9 and ask you if you can
2 identify that photograph.

3 (Exhibit 9 was marked and entered.)

4 A Yes, sir.

5 Q And what does that photograph depict, and if
6 you would, I'll ask you -- and this question even not
7 asked applies to each and every one of these
8 photographs -- did you take them and did you prepare
9 them for use in court today?

10 A Yes.

11 Q And is that the photograph, and each and
12 every photograph which will be shown to you, are they
13 photographs made by you of Billie Jo Hall?

14 A Yes, sir, these are photographs prepared by
15 my own hand. The originals were Polaroid photographs,
16 again made by my own hand at the time of the autopsy.
17 The photograph I'm holding in my hand and the others
18 like it are enlargements that, again, I made by my own
19 hand.

20 Q Now what does that photograph show?

21 A This exhibit depicts the front of Mrs. Hall's
22 body from her head to about the mid-thigh region and
23 depicts the body in the condition it was received at
24 the Regional Forensic Center.

25 Q All right. And does it depict on there any

1 injuries?

2 A Yes, sir.

3 Q And are those also demonstrated on your
4 mannequin?

5 A Yes, sir.

6 Q And would you please come around to the
7 mannequin and show --

8 MR. WOODALL: May I somewhat approach this
9 witness during this?

10 THE COURT: Yes, sir.

11 Q And if you'll hand me that photograph. And
12 show us what injuries -- Come around and show us what
13 injuries are depicted on this photograph.

14 A The injuries on the photograph are depicted
15 up here from the top of the head showing the injuries
16 to the eye and the brow, the fracture of the nose, the
17 tear underneath the chin and the bruises and skin
18 scrapes associated with that. Additionally, there was
19 this pattern or group of bruises over the right chest
20 region, and some of the skin scrapes and bruises on the
21 upper extremities, the arms, are seen in that
22 photograph. The photograph goes down to about mid-
23 thigh region, and I believe some of those areas of
24 bruising are also indicated in that photograph.

25 MR. WOODALL: I'd like to pass this to the

1 jury for their consideration, Your Honor.

2 THE COURT: Have you seen it, Mr. Ford?

3 MR. FORD: I've seen them, Your Honor.

4 THE COURT: All right, sir. Mr. Ford, unless
5 there's some objection made, I'm going to -- if you --

6 MR. FORD: Your Honor, we object, but --

7 THE COURT: Well overruled for now.

8 MR. FORD: Yes, sir, I understand.

9 THE COURT: But I'm saying, as you go along,
10 if you want to object, why you need to do it.

11 Otherwise I'm going to --

12 MR. FORD: We'll have a standing objection.

13 We understand it's overruled, Your Honor.

14 THE COURT: General, as a suggestion, go
15 ahead and show the pictures so they can all be looking
16 at them at the same time, up to a point.

17 MR. WOODALL: Well, I'll do that if -- I'll
18 put several of them together, but I need to, if I may
19 do it --

20 THE COURT: All right, go ahead. I was just
21 trying to ...

22 Q Doctor, I want to show you which will become
23 State's Exhibit Number 10 which is a photograph of the
24 face and ask you to point out on the mannequin the
25 injuries displayed in that photograph.

1 **(Exhibit 10 was marked and entered.)**

2 A This photograph, Exhibit 10, depicts the face
3 and neck region from the front of Mrs. Hall. It shows
4 in particular the areas of bruising to the top of the
5 head and areas of pattern bruising to the brow which
6 shows a circular-type injury, a triangular-type area of
7 bruising to the left brow, areas of bruising about each
8 eye, the area of the fracture of the nose, shows some
9 of the bruising of the left cheek and shows some of the
10 bruising of the right neck.

11 MR. WOODALL: I'd like to ask that that be
12 passed to the jury for their consideration.

13 Q I'd like to show you two photographs, the
14 first of which will be State's Exhibit Number 11,
15 showing the left side of the forehead, what will become
16 State's Exhibit 12 which is the frontal view showing
17 the nose and the forehead and ask you if you can tell
18 the jury -- point out where they are displayed on the
19 mannequin, please.

20 **(Exhibits 11 and 12 were marked**
21 **and entered.)**

22 A Yes, sir. Exhibit 11 shows the left side of
23 the brow and the upper face showing, again, the
24 triangular pattern of bruising over the brow with some
25 skin scrapes or abrasions immediately above and to the

1 side, another area of bruising next to that area of
2 bruising above the brow, areas of skin scrape here
3 adjacent to the cheek and the bruising around that area
4 of injury as well as the left eye and the attendant
5 bruising. It also shows the deformity of the tip and
6 the base of the nose.

7 MR. WOODALL: Pass those to the jury, please.

8 A Exhibit 12 shows a close-up of the forehead
9 region depicting once again the triangular injury here
10 and a pattern circular injury between the eyes slightly
11 to the left. Additionally, it has a close-up area
12 showing the area of damage to the nose and the
13 discoloration around the eye which are due to both skin
14 scrapes and the bruises.

15 Q I hand you what will become State's Exhibit
16 Number 13, that photograph displaying the full left
17 side of the face, upper neck and lower neck and ask you
18 if you can show the jury where those injuries are.

19 **(Exhibit 13 was marked and entered.)**

20 A Yes, sir. The left side of the face and neck
21 are depicted here, again showing the previously
22 described injuries to the brow, the eyes, the cheek.
23 The chin area is more thoroughly displayed, as well as
24 some skin scrapes immediately below the left ear, some
25 of the bruises to the left side of the neck.

1 Additionally, it shows the area that was covered by her
2 hair, but it shows the area of bleeding underneath the
3 scalp behind the left ear.

4 Q Now would these bruises to the neck, every
5 time you describe them, would that relate to the
6 strangulation that you referred to in your testimony
7 yesterday?

8 A The area of bruising in the upper portion of
9 the neck would more likely relate to the strangulation
10 as opposed to the injuries that are depicted on the
11 side and the base of the neck on the left.

12 Q All right. In conjunction with this, I hand
13 you what will become State's Exhibit Number 14, and
14 does that clearly reflect the injuries to the underside
15 of the lip of the deceased as well as the chin
16 injuries?

17 **(Exhibit 14 was marked and entered.)**

18 A Yes, sir. This photograph, Exhibit 14, shows
19 bruising at the inside of the lips of the right center
20 and left, as well as depicting the areas of bruising
21 and skin tears and skin abrasions, or skin scrapes,
22 underneath her chin. Eventually the bruises to the
23 left and right side of the neck are depicted more
24 thoroughly. Also depicted are the abrasions and
25 bruises of the right jaw line.

1 MR. WOODALL: I'd pass those to the jury.

2 Q I show you what will be Exhibit 15 and ask
3 you if that depicts the left side of the victim's face,
4 and would you point out those injuries to the jury?

5 (Exhibit 15 was marked and entered.)

6 A Yes, sir. This photograph depicting the left
7 side of the face prominently displays the defamation of
8 the nose due to the fracture, the skin scrapes and
9 bruises about the eye, up on the brow. It shows some
10 of the bleeding into the ear and the scalp behind it as
11 well as some abrasions or skin scrapes in front of the
12 ear, nearly down below the ear, at the jaw line,
13 bruising along the cheek, and areas of bruising on the
14 right side of the neck.

15 MR. WOODALL: Pass that to the jury.

16 THE COURT: Mr. Woodall, how many more
17 pictures have we got?

18 MR. WOODALL: Oh, in the neighborhood of
19 eight to ten.

20 THE COURT: Several of these pictures are
21 almost the same, and I wonder if you could pick them
22 out and reduce the number.

23 MR. WOODALL: I've already done that, Your
24 Honor. I have a stack underneath here that I've done
25 that. I'm trying to do that as I go through.

1 THE COURT: All right. If you will, please
2 ... I'm not --

3 MR. WOODALL: Your Honor, I understand.

4 Q I hand to you which will become State's
5 Exhibit Number 16, and you mentioned yesterday in your
6 testimony some pattern injuries above the victim's left
7 breast, and I ask you what that photograph depicts.

8 (Exhibit 16 was marked and entered.)

9 A Yes, sir. Exhibit 16 depicts some of the
10 bruising up here in the collarbone region, as well as
11 this pattern of bruising that has a letter designated
12 "K" next to it, indicating four bruises in a line and
13 one bruise back behind that line depicted here
14 (indicating).

15 MR. WOODALL: Pass that to the jury.

16 Q I want to hand you what will become State's
17 Exhibit 17 and which purports to be photographs of the
18 back of the victim and ask you if you can show the jury
19 where those injuries are.

20 (Exhibit 17 was marked and entered.)

21 A Yes, sir. Exhibit 17 depicts the back
22 showing areas of skin scraping along the back of the
23 upper left shoulder, areas of skin scrapes along the
24 line of the upper right shoulder, areas of bruising as
25 indicated here in the center of the back, and some of

1 the line, parallel line, skin scrapes in the center of
2 the back and in the lower portion of the back, as well
3 as some more bruising and some more skin scraping on
4 the lower left. Additionally, it shows some of the
5 bruising here and some of the scrapes of the back of
6 the left elbow.

7 MR. WOODALL: Pass that to the jury.

8 Q You mentioned yesterday in your testimony
9 that there was a wound to the groin area of the victim,
10 and I hand you what is State's Exhibit Number 18 and
11 ask you if you can identify that photograph.

12 **(Exhibit 18 was marked and entered.)**

13 A Yes, sir. This photograph depicts the wound
14 that I gave the letter designator "L" to. It is in the
15 left groin about in this area (indicating) and shows it
16 depicted in the photograph.

17 Q We'll just save that one and pass it along
18 with that one. I hand you what will become State's
19 Exhibit 19, and I believe that will be a photograph of
20 the right hand; is that correct?

21 **(Exhibit 19 was marked and entered.)**

22 A Yes, this is a photograph of the right hand
23 and the forearm showing bruises up on the forearm and
24 located between the knuckle on the back of the hand and
25 a bruise further up the back of the hand on the little

1 finger side.

2 Q Do these demonstrate what you testified to
3 yesterday and pointed out on the mannequin as which you
4 refer to as defensive wounds?

5 A Yes, sir, these could be interpreted as
6 defensive wounds.

7 MR. WOODALL: Pass those at this time.

8 Q I hand you what will become State's Exhibit
9 20 which will be the inside of the right arm. Is hat
10 correct?

11 A Yes, sir.

12 **(Exhibit 20 was marked and entered.)**

13 Q And also Number 21 which will show the left
14 arm, upper arm, lower arm and hand, and ask you to show
15 the jury on those exhibits.

16 **(Exhibit 21 was marked and entered.)**

17 A This Exhibit 20 shows the inside of the right
18 forearm depicting injuries to the palm side of the
19 thumb, a bruise right were the thumb joins the wrist,
20 and then as not depicted on the mannequin, an area of
21 red scraping where the skin sort of had been scraped
22 away.

23 Q Is that consistent with being drug on either
24 asphalt or hard surface?

25 A Yes, sir, it would indicate pressure of that

1 type, some hard or abrasive surface. It's on the
2 inside of the right elbow extending onto the forearm,
3 and it's not depicted on the mannequin but it is
4 depicted on the photograph.

5 Exhibit 21 shows the bruising that's present
6 on the left upper arm, abrasions or skin scrapes on the
7 left elbow and then the pattern of bruises on the left
8 forearm which are depicted on the mannequin in this
9 area (indicating). It does not show the back of the
10 hand, but it does show the bruises and skin scrapes
11 here at the wrist area and then going up the forearm to
12 the elbow and at the biceps area.

13 Q Are there any defensive wounds reflected in
14 those photographs?

15 A The bruises that are on this side of the
16 forearm, the little finger side known as the ulnar
17 side, would be characteristic of defensive wounds and
18 could be defined as such.

19 Q I hand you what will become State's Exhibit
20 22 and 23.

21 **(Exhibits 22 and 23 were marked**
22 **and entered.)**

23 MR. WOODALL: Go ahead and pass these.

24 Q And that shows the inside of --

25 A Exhibit 22 shows the inside of the right hand

1 depicting with greater clarity the area of skin
2 scraping of the pad of the thumb, as well as the area
3 of bruising where the thumb joins the wrist. It also
4 shows on the little finger another area of bruising at
5 the wrist.

6 Q And Number 23, I ask you what that picture
7 depicts.

8 A Exhibit 23 depicts the back of the left hand
9 showing the bruises over the knuckle of the left ring
10 finger and another smaller bruise directly up the back
11 of the hand from that.

12 MR. WOODALL: Pass those.

13 Q I hand you two final photographs and ask you
14 if they both depict injuries to the legs, and point out
15 where they are on your mannequin, please.

16 **(Exhibits 24 and 25 were marked**
17 **and entered.)**

18 A Yes, sir. Exhibit 24 depicts the front
19 surface of both legs showing the areas of bruising
20 depicted here where I'm pointing and skin scrapes above
21 the knee, as well as some of the bruises below the
22 know, at which point the photograph ends. The left leg
23 shows the area of skin scraping here on the inside of
24 the left knee and the area of skin scraping on the left
25 ankle.

1 Exhibit 25 is a photograph which shows the
2 inside of the left leg showing the skin scraps at the
3 foot, ankle, shin where the letter designators of "A"
4 and "B" are visible.

5 Q Do we see any defensive wounds there?

6 A Some of these may be defensive wounds if a
7 person is trying to block a blow with their leg.
8 Others are skin scrapes going in an upward direction.
9 They may be related to being forcibly moved.

10 MR. WOODALL: Pass those to the jury, please.

11 Q I'd ask you to take the stand.

12 Dr. Smith, do State's Exhibits Number 9
13 through 25 reflect the 83 some-odd injuries that you
14 testified to yesterday that were visible to you by your
15 examination of the remains of Billie Jo Hall?

16 A Yes, sir.

17 Q And do these photographs also clearly reflect
18 the -- I forget the medical term, but where there's
19 more than one injury that occurs at or about the same
20 place, that they diffuse into one another or fuse? I'm
21 not sure of the term that you used. Do they reflect
22 those also?

23 A Yes, sir. I believe you're referring to
24 those areas where multiple blows to the same area would
25 cause the bruises to become confluent, or run together

1 so one wouldn't be able to distinguish. The
2 photographs also depict those areas.

3 Q Now, you testified yesterday that there was a
4 pattern wound above the left breast, and what did you
5 say or feel like from a medical standpoint caused these
6 particular injuries?

7 A I believe I testified before that the pattern
8 would be consistent with that made by a fist; in other
9 words, the knuckle pattern was depicted in the bruising
10 on the skin surface. However, that is merely one
11 suggestion that may be responsible for producing that
12 type of bruising pattern. Certainly the mechanism and
13 the pattern fit. But without better known
14 circumstances, it would be difficult to say that it was
15 that type of object and no other that produced that
16 bruising pattern.

17 Q What types of instruments would be used, or
18 what type of surfaces would be present in the injuries
19 that were inflicted upon Billie Jo Hall?

20 A There are multiple -- The skin scrapes to the
21 knee and to the inside of the elbows show contact with
22 a broad, abrasive-type surface. There is a pattern
23 circular injury just to the left of the center of her
24 forehead which shows two circles within each other, a
25 concentric circular pattern, which would suggest

1 something like a cylinder which may be hollow or a
2 thick, long pipe. Additionally, there is a triangular
3 surface -- or triangular bruise to her forehead which,
4 again, would indicate some object that had that type of
5 shape. Specifically what I couldn't say, but something
6 that had a triangular shape. There are the areas of
7 bruising to her check which, again, may suggest a type
8 of instrument. As for the others, there are no other
9 injuries that have a characteristic pattern of the
10 instrument. However, there may be some mechanism that
11 may be present based upon the injury pattern. The
12 bleeding into the top of the head and on the sides may
13 be due to either blunt trauma or impact with a broad,
14 blunt surface, or the hair may have been pulled and the
15 scalp pulled away from the skull.

16 Q Would the broad, blunt surface be consistent
17 with Billie Jo Hall's head being hit against the floor
18 that was carpeted?

19 A Yes, sir, that could be one mechanism amongst
20 many that could produce that type of injury. The skin
21 itself on the top of the head was not injured. It was
22 not bruised or scraped away, and it may have been
23 protected somewhat by hair, or it may have resulted in
24 the sudden shifting of the scalp, tearing the scalp
25 away from the skull. Additionally, a blow with an

1 object may cause such an injury, as well as being
2 propelled into some type of object. But those are the
3 various mechanisms that could be responsible for that
4 type of injury.

5 Q There are a number of these injuries. Could
6 they be inflicted as a result of being drug across
7 asphalt or being drug across hard ground?

8 A Yes, sir.

9 Q Are some of them also consistent with having
10 been caused by the hair of Billie Jo Hall being grabbed
11 and jerked and used to pull her with?

12 A Yes, sir, some of those injuries could,
13 especially the ones I described about the top of the
14 head and the side.

15 Q You testified yesterday that in these
16 injuries you saw a pattern or patterns of targeting.
17 What's reflected in the injuries in the photographs as
18 well as on the mannequin as to that?

19 A Yes, sir. There is a concentration of areas
20 of damage to the head and the face and the neck which
21 would be far in excess of anything that could be --
22 could occur by accidental means. They are intentional,
23 and they appear to be focused in the head, neck and
24 face region. Additionally, the areas of the back show
25 a focus of attention beyond which accidental means

1 could produce that type of injury.

2 Q Does this type of targeting and injuries not
3 caused obviously by accidental means, is this from a
4 medical standpoint, forensic pathology standpoint,
5 indicate to you that torture was present in the beating
6 of Billie Jo Hall?

7 A Yes, sir.

8 Q Now, due to the magnitude of these injuries,
9 the 83 -- And when we talk about the 83, do we also
10 include the injuries that you uncovered as a result of
11 your surgical procedure that showed the strangulation
12 inside?

13 A No, sir. The 83 injuries were the injuries
14 that you could see from the skin surface. They did not
15 specifically indicate the injuries to the tongue and
16 the structures of the deep neck, the muscles, the
17 thyroid gland, the area around the hyoid gland.

18 Q If you take all these injuries in
19 combination, those applied to the outside to the arms
20 and the head and the stomach and the back and the groin
21 and the legs and the feet and the hands and the head --

22 MR. FORD: Objection to being argumentative,
23 Your Honor. We're not in closing, and this is --

24 THE COURT: I believe, Mr. Woodall, that you
25 covered --

1 MR. WOODALL: I'm trying to ask a question,
2 Your Honor.

3 THE COURT: Well, rephrase it.

4 Q Was there serious physical abuse inflicted
5 upon the remains of Billie Jo Hall beyond that
6 necessary to produce death?

7 A It would be my medical opinion that that's
8 correct.

9 MR. WOODALL: Your witness.

10 MR. FORD: No questions, Your Honor.

11 **(WITNESS EXCUSED.)**

12 MR. WOODALL: State rests.

13 - - - - -

14 **DR. LYNN DONNA ZAGER** was called and being
15 first duly sworn, was examined and testified as
16 follows:

17 MR. MAYO: Your Honor, we have a stipulation,
18 that Dr. Zager is a qualified expert in the field of
19 psychology.

20 THE COURT: Ladies and gentlemen, this same
21 witness was heard by you yesterday, and you remember
22 her qualifications. She was qualified in --

23 What is it, psychology?

24 THE WITNESS: A psychologist, that's correct,
25 Your Honor.

1 THE COURT: All right, she's a qualified
2 psychologist. She can testify in her field.

3 Go ahead.

4 **DIRECT EXAMINATION**

5 **BY MR. MAYO:**

6 Q Dr. Zager, you testified earlier, and would
7 it be fair to say that you interviewed Jon on three
8 occasions; is that correct?

9 A That's correct. I saw him face to face on
10 three different occasions.

11 Q Dr. Zager, did you take a history of Jon Hall
12 on at least one of those occasions?

13 A In fact, on more than one occasion I took a
14 history, and I also was able to review records of
15 interviews that were conducted of family members and
16 others who knew Jon.

17 Q Dr. Zager, what did you learn about Jon's
18 childhood and perhaps the way it would impact him as an
19 adult?

20 A Jon was the youngest of the children in the
21 family. His father, as I said yesterday, was an
22 alcoholic, or actually alcohol dependent is how a
23 professional would say it, and his grandfather also had
24 a significant alcohol problem. From the time that he
25 was born, his father denied that he was his son, and he

1 did not have much of a relationship at all with his
2 father. He as significantly close with his mother.
3 There was spousal abuse in the relationship between his
4 mother and his father, and he witnessed that, and all
5 these things I would say have an impact on his
6 development.

7 Q Dr. Zager, in your opinion, your professional
8 opinion, what kind of impact would that have? Would
9 you explain that a little bit for us?

10 A For one thing, you know, children grow up and
11 you expect that the household is going to be a place
12 where you have love and security. That's not something
13 that this man grew up with. There was conflict, and he
14 didn't have very good role models in terms of how to
15 deal with relationships or how to deal with conflict.

16 Q As you discussed the matter with Jon Hall,
17 did you have any opinion as to -- were you able to
18 formulate any opinion as to whether he felt remorse
19 over this incident?

20 A Yes, he did. In my opinion I think he does
21 feel remorse.

22 Q How is it that that was expressed to you?
23 For example, did he cry?

24 A Yes, he cried, as I said yesterday. In my
25 opinion he suffers from depression. He was

1 significantly more depressed I'd say the first time I
2 saw him, but each and every time that I saw him he was
3 sad and he cried.

4 Q When you say depression, and I don't want to
5 go over what you said yesterday, but could you tell us
6 what clinical depression -- how it affected Mr. Hall?

7 A Most people have moods. That's not anything
8 that's very significant. You feel good or you feel
9 bad. When somebody suffers from depression, it lasts
10 over a period of time. It has to be at least 30 days.
11 The person has a sad feeling, crying spells. There's a
12 change in appetite; either people eat too much or don't
13 eat enough. There's a change in sleep pattern where
14 they sleep too much or they don't get enough sleep or
15 they can't stay asleep. They have difficulty
16 concentrating, and they have thoughts of death or
17 suicide. At least five of those need to be met, and
18 that was the case in Mr. Hall.

19 Q Did Mr. Hall have thoughts of suicide?

20 A Yes, he did.

21 Q Would you consider those significant?

22 A Yes, I would.

23 Q You stated earlier also in your testimony
24 that he suffered from, in your opinion, alcoholism. Do
25 you think this affected the way that he behaved?

1 A Alcohol dependence is a diagnosis, but there
2 are a number of things that go along with the
3 personality of someone who is dependent on alcohol.

4 Q Did you speak to Jon about his family, his
5 children?

6 A Yes. We spoke about his relationship with
7 the children. They meant everything to him, all four
8 of the children. He was the primary caretaker for the
9 younger children for I think approximately two years.
10 And, you know, given his history in terms of the
11 family, I think he was very protective of the children.

12 Q Dr. Zager, do you have children yourself?

13 A Yes, I do.

14 Q Dr. Zager, in talking to Jon, based upon your
15 experience as a psychologist and as a parent, were you
16 able to determine if this love that he had was sincere?
17 Could you tell that?

18 A It was my impression that it was sincere,
19 that this is not somebody just trying to create an
20 impression. I felt like we had very candid and open
21 discussions.

22 Q Did he talk about his youngest daughter with
23 you, Jessie?

24 A Yes, he did.

25 Q And what did he talk about?

1 A He talked about the difficulties that she
2 had. You know, you have hopes and dreams for your
3 children, and she was born with a significant handicap,
4 and he loved her, cared for her and misses the
5 relationship he had with her.

6 Q Dr. Zager, you had mentioned earlier -- we
7 had discussed alcohol dependency. What were the
8 symptoms in Jon Hall that you observed? And if you
9 could expand a little bit, how would that affect his
10 judgment capability?

11 A In terms of somebody who has an alcohol
12 dependence, there's something known as alcohol abuse
13 where somebody periodically drinks to excess, and with
14 alcohol dependence, the person drinks to excess and
15 develops something called tolerance, or they have
16 withdrawal, and in his case, as he described it, he
17 didn't see any -- the point of drinking was to drink to
18 the point that you're intoxicated, or until you passed
19 out. Along with that, an individual who has alcohol
20 dependence has problems in their relationships with
21 others, by definition, and also has problems in terms
22 of their occupation, and he demonstrated all of this as
23 a result of his dependence on the alcohol. I'd say
24 also, not criteria for diagnosis, but he also has
25 personality characteristics that are very dependent --

1 he's very dependent on others, not only alcohol but on
2 significant people in his life.

3 Q Do you feel that the alcohol dependency that
4 he exhibited was of a degree that could have
5 substantially affected his judgment?

6 A That's difficult to answer. Certainly in an
7 intoxicated state his judgment I'd say is compromised.
8 In terms of from the dependency, I'm not sure that that
9 would be the case.

10 Q Primarily from -- if he was intoxicated,
11 that's when the problems would arise.

12 A Correct. That's when his judgment would be
13 more compromised.

14 Q Dr. Zager, based upon your interviews with
15 Jon Hall, were you able to develop any opinion as to
16 whether he was having domestic problems at the time the
17 offense was committed?

18 A Without a doubt he was having domestic
19 problems around the time this happened and for quite
20 some time before it happened.

21 Q In your opinion, did those domestic problems
22 also have a bearing in his mental condition at the
23 time?

24 A Yes. That was one of the stressors. I
25 talked about stressors yesterday that he was

1 experiencing around the time. The domestic problem was
2 one of those stressors.

3 MR. MAYO: Thank you, Dr. Zager.

4 MR. WOODALL: No questions.

5 (WITNESS EXCUSED.)

6 - - - - -

7 DR. JOE MOUNT was called and being first duly
8 sworn, was examined and testified as follows:

9 **DIRECT EXAMINATION**

10 **BY MR. MAYO:**

11 Q Would you state your name for the Court,
12 please, sir?

13 A Joe Mount.

14 Q Dr. Mount, what is your occupation?

15 A I'm a psychological examiner at Riverbend
16 Maximum Security.

17 MR. WOODALL: We'll stipulate he's an expert
18 psychological examiner.

19 MR. MAYO: We'll accept the stipulation, Your
20 Honor.

21 THE COURT: All right, you'll consider him an
22 expert in his field.

23 Q Dr. Mount, you continue to work at Riverbend;
24 is that correct?

25 A Yes, sir.

1 Q At some point did you come in contact with
2 Jon Hall?

3 A Yes, sir.

4 Q Dr. Mount, what was your relationship with
5 Jon Hall? Why did you begin talking to him?

6 A I'm a mental health professional there at
7 Riverbend, and Jon requested services.

8 Q Did you speak to him?

9 A Yes, I did.

10 Q Did you interview him?

11 A Yes.

12 Q How many times did you interview Mr. Hall?

13 A We had approximately six to eight formal
14 counseling sessions, approximately six to eight what
15 are called mental health screening evaluations that are
16 required and numerous other just informal cell visits.
17 While I would happen to be in his pod he might call me
18 over and have a word or two or whatever.

19 Q What seemed to be his concerns at that time,
20 Dr. Mount?

21 A Main concern was that he was extremely
22 distraught and depressed regarding his case.

23 Q And what was he depressed and distraught
24 about?

25 A The episode that led to his charges.

1 Q Were you able to determine, Dr. Mount, if he,
2 in your professional opinion, expressed remorse over he
3 death of his wife?

4 A I believe he did, extreme remorse.

5 Q Extreme remorse. How did that manifest
6 itself to you?

7 A During the counseling sessions that were held
8 in the triage room and in the unit, there were episodes
9 of crying, of appearing extremely sad, statements of
10 regret and so forth.

11 Q Did he appear to be sincere in your opinion?

12 A Yes, sir.

13 Q Was there anything else such as suicidal
14 thoughts, anything of that nature?

15 A Yes, sir. He was admitted to the clinic on
16 at least two separate occasions back in '94, I believe
17 September and October, with some suicidal thoughts,
18 statements of some effect that were brought to the
19 attention of the staff there, and he was admitted to
20 the clinic for observation.

21 Q Was that what could be called suicide watch?

22 A Right.

23 Q Were you able to determine in your opinion
24 what the cause of his wishing to end his life was?

25 A Yes, sir, I think it was certainly related to

1 his case and the episode that occurred that, you know,
2 resulted in his charges, you know, regarding his wife,
3 extremely distraught about that and depressed for a
4 long time. I think that would result in that.

5 Q Dr. Mount, in your screenings of him and your
6 formal interviews and your informal cell visits, at
7 some point did you make a diagnose on what you thought
8 Jon Hall suffered from?

9 A His diagnosis actually was given by the
10 psychiatrist and the mental health treatment team that
11 meets regarding someone that receives services. So
12 that was really the psychiatrist that made the
13 diagnosis.

14 Q What was the diagnosis? Did you have a
15 chance to review those records?

16 A Yes, I did. It was adjustment disorder with
17 mixed emotional features, and if I recall correctly, a
18 substance abuse of dependence by history, is what was
19 on his last treatment plan, mental health treatment
20 plan.

21 Q What about depression? Is that what you've
22 already spoken of?

23 A That was in the initial evaluation. Well the
24 depression would be -- When I said mixed emotional
25 features, that would include depression and anxiety.

1 Q Did you develop or did the psychiatrist
2 develop any treatment plan?

3 A Yes, we did.

4 Q And what was that, Dr. Mount?

5 A It was to involve our individual counseling
6 sessions which we had, the ones that I mentioned, and
7 he was also prescribed medication.

8 Q What was that medication?

9 A Memphromene.

10 Q What kind of medication?

11 A It's an anti-depressant.

12 Q During the counseling sessions, Dr. Mount,
13 did you feel that Jon Hall was getting better or
14 dealing with his problems any better?

15 A I believe he improved as we began to
16 establish rapport. I think he certainly appreciated my
17 visits. He was sincere in terms of discussing the
18 problems that he had on his mind. I do believe that
19 overall he did show some improvement.

20 Q Did you discuss with Mr. Hall his family, in
21 particular his children?

22 A Yes, sir.

23 Q Did he express any feelings for them in your
24 opinion?

25 A Yes, sir.

1 Q And in your opinion did he seem to be sincere
2 about those feelings?

3 A Yes, sir.

4 Q What were those feelings?

5 A Extremely concerned about his children, not
6 being able to see them. In my opinion I think he cared
7 a great deal about his children, just based on our
8 interviews.

9 Q Did you talk to him about any of his children
10 in particular?

11 A There was -- One that comes to mind is one
12 that was handicapped. I'm not sure of the diagnosis
13 that the child has, but I vaguely remember his concern
14 about that child.

15 MR. MAYO: Thank you, Dr. Mount.

16 MR. WOODALL: No questions.

17 **(WITNESS EXCUSED.)**

18 **(There was a recess for lunch from**
19 **1:20 p.m. until 2:30 p.m., and the**
20 **following proceedings were had**
21 **to-wit:)**

22

23

24

25

1 **RANDY HELMS** was called and being first duly
2 sworn, was examined and testified as follows:

3 **DIRECT EXAMINATION**

4 **BY MR. FORD:**

5 Q State your name, sir.

6 A Randy Helms.

7 Q And your address, please, sir.

8 A Lexington, Tennessee.

9 Q Mr. Helms, you were here yesterday, and you
10 understand that we're in a different part of this trial
11 today.

12 A Yes, sir.

13 Q You stated yesterday that you had known Jon
14 Hall for about two years.

15 A Yes, sir, year and a half or two years.

16 Q Up until the time of this incident regarding
17 Billie Hall.

18 A Yes, sir.

19 Q If you would, give us a brief summary of your
20 relationship with Jon and Billie Hall.

21 A Kind of from when it started?

22 Q Yes, sir.

23 A Jon put an application in to go to work for
24 us, and then he came by later to talk to me and told me
25 the reason that he needed a job was that he had four

1 little girls, and his wife, I don't remember whether he
2 said she was working full-time or part-time at that
3 particular time, but he said he had needed a job for
4 the income, of course, and we hired him because of the
5 circumstances. At that time I didn't actually even
6 need anybody else right then, but I thought that was a
7 pretty good reason for a man needing a job, and that's
8 when we hired him and he went to work, and I'm thinking
9 that was probably sometime in '93, latter '92 or early
10 '93, somewhere along in there.

11 Q And how did he perform as an employee?

12 A He did a good job. He did good work. He was
13 a good mechanic. I never had any problems with him.
14 He never missed any work, you know, as far as -- He was
15 always on time. He didn't take off for being sick or
16 having to be off for different reasons. He was
17 dependable and he did a good job.

18 Q Did he ever work any overtime?

19 A Yes, sir, at different times. Of course, he
20 made time and a half when he worked any over 40 hours,
21 and he would work after 5:00 sometimes through the
22 week, but he would come in and he worked some on
23 Saturdays, half a day, sometimes a whole day on
24 Saturdays.

25 Q Did you ever observe Jon Hall with his

1 children, with the four girls?

2 A Yes, sir.

3 Q And when and where would you observe them?

4 A Three or four different times when he was
5 keeping the children like on Saturday, he brought them
6 with him to work, and he asked me because he knew that
7 wasn't in our policy, but he brought the kids with him
8 when he came in to work some on Saturdays, and a couple
9 of them would stay with him where he was working, and
10 maybe one or two stayed in the van and read or played
11 with toys or whatever. But two or three different
12 times when he was there he had all four of the kids
13 with him.

14 Q And how did he act or react with the
15 children?

16 A I mean, normal, in a normal way that I could
17 tell. He always -- Like I say, a couple of them came
18 in and stayed with him, and he kind of had to work and
19 see after them, and, you know, he would get a Coke or
20 something and carry it and give it to ever which two
21 were in the van or whatever. But, I mean, the two or
22 three times -- the only two or three times I observed
23 him when he had his kids and all, he took excellent
24 care of them while they were there at work.

25 Q Mr. Helms, in your opinion, is there value to

1 the life of Jon Hall?

2 A Yes, sir.

3 Q Why is that? Why would you come here and say
4 that?

5 A Can I have just a minute?

6 Q Yes, sir. Take your time.

7 A I talked to Jon quite a bit when he and
8 Billie were having family problems, and I talked to
9 Billie quite a bit. And I liked Billie and I thought a
10 lot of her, and I considered her a friend just like I
11 do Jon. Jon loved his wife and kids. I mean, he told
12 me that time and time again. His wife and his kids
13 were his life. He sat there and told me how much he
14 cared and how much he loved his family and how much it
15 meant to him and all on there, and, I mean, you don't
16 make that up. He was telling me the truth when he told
17 me that. His hopes in life and all was they could work
18 out whatever their problems were and hopefully go on
19 and make a good life and raise these kids, you know.
20 It just didn't turn out that way.

21 Q Did he voluntarily leave employment with you?

22 A Yes. And I tell you what, that's another
23 thing. The last probably couple of months that he
24 worked there, his performance wasn't very well. He
25 couldn't help it though. He couldn't do his work very

1 well, and I couldn't fire him.

2 Q Why couldn't you fire him?

3 A Because I knew what he was going through and
4 kind of the circumstances what was going on. He knew I
5 couldn't fire him because he knew that I'd never fire
6 him under the circumstances, the problems that they
7 were having.

8 Q He was man enough to quit.

9 A He was man enough to quit, to keep me -- I
10 don't know whether I would ever have fired him. I
11 would have eventually probably had to, only because of
12 the circumstances that he just couldn't perform his
13 job, but he couldn't help that.

14 MR. FORD: Thank you, Mr. Helms. Mr. Woodall
15 might have some questions.

16 MR. WOODALL: I don't have any questions.
17 Thank you, Mr. Helms.

18 (WITNESS EXCUSED.)

19 - - - - -

20 DEBBIE DAVIS was called and being first duly
21 sworn, was examined and testified as follows:

22 **DIRECT EXAMINATION**

23 **BY MR. MAYO:**

24 Q State your name for the Court, please.

25 A I'm Debbie Davis.

1 Q Mrs. Davis, you're Jon's sister; is that
2 correct?

3 A Yes.

4 Q How many years older are you than Jon,
5 approximately?

6 A Fifteen. I'm nervous here. Actually 11.

7 Q Mrs. Davis, you grew up in the same household
8 where Jon did; is that correct?

9 A Uh-huh. Well, actually, we had two houses.
10 My parents lived in this little house. Because there
11 were so many children, I lived with my grandparents in
12 the house where there was an adjoining sidewalk, and I
13 lived with my grandparents and my brother, Jay. We
14 both lived with my grandmother and grandfather, and
15 then I had another sister who lived in Southtown with
16 another grandmother until we were able to -- My parents
17 were building a new home that would house all of us, a
18 four bedroom home about a mile and a tenth away from
19 that area.

20 Q How many children were in the family?

21 A Seven.

22 Q And when they built this four-bedroom home,
23 did the whole family get together and live under the
24 same roof?

25 A Yes. It was kind of like blending a new

1 family together because we all knew each other, but we
2 all lived in these different houses, but then we moved
3 up to the other house, and we had to kind of get to
4 know everyone else. Like Cheryl, my sister Cheryl,
5 lived with my grandparents for a long time, and she was
6 the last one to come in -- actually come in and blend
7 into the family.

8 Q Mrs. Davis, I'm going to ask you a few
9 questions about Jon's childhood. Did Jon witness any
10 violence between his parents? They would be your
11 parents also, your mother and father.

12 A Yes.

13 Q Would you tell us what he was exposed to as a
14 child?

15 A This is difficult because I tried to put a
16 lot of this out of my mind, and in my life, I have gone
17 on, and to bring up all these memories of these things
18 that happened as a child is very painful. But I
19 remember as a child we used to be in bed at night and
20 hear our parents fighting, and we'd all get together in
21 one room because we were so worried than one of them
22 was going to kill the other one, that we would go and
23 take bullets and hide them under our mattress and go
24 get the sharp knives out of the drawer. I can remember
25 thinking, and this is stupid, that should we take the

1 can openers. Do you think they could hurt themselves
2 with a can opener? So we'd be going around trying to
3 get rid of the sharp things that would cause them to
4 hurt each other because although they fought a lot, we
5 loved them both, but they just weren't very good
6 together. And we would often comment on we wished that
7 they would just get divorced because we would rather be
8 from a broken home than have them fight like they did.

9 Q What kind of fighting did they do in your
10 presence, Ms. Davis, in Jon's presence?

11 A There was one particular fight that was very
12 bad. I don't know what started it. I never knew what
13 started most of them. But my father came in, and I
14 guess he hit me, and I told him that -- He was using
15 very bad language, and I had come from living with my
16 grandparents who were rather religious, and he was
17 using very bad language, and I said, "Dad, God's not
18 going to like you for this." So he hauled off and hit
19 me, and then my mother jumped in and said, "Don't lay
20 your hands on the kids," and then they were off and
21 running, and they just started hitting. He started
22 hitting Mom, and he took her hair and he was pounding
23 her head on the floor, and I remember there were big
24 handfuls of hair on the floor and blood coming out of
25 her nose and out of her ears, and it splashed on the

1 cupboards and on the floor. And we had tried to go and
2 get help, even tried calling the police, but the police
3 wouldn't come back then because they said they couldn't
4 get involved in domestic problems, that they couldn't
5 come unless an actual crime was committed. So later
6 someone else -- I think Mom was screaming and someone
7 tried to call for help, and they tore the phones off
8 the wall so that we couldn't call out. But I think
9 whoever we were talking to heard us and called my Uncle
10 Wes who was part of the sheriff's department and went
11 and got help and sent help over and got word to us that
12 the constable was on his way. And Jon was just a
13 little boy. He was the youngest one in the family.
14 And he had a little fly swatter, and he was hitting
15 Daddy and trying to tell Daddy to let Mom alone and get
16 away from her. And after he did that, then the
17 constable came and they got Dad, and I remember, this
18 is so bizarre, my sister and I, I think, I don't even
19 remember who, maybe my brother, Jay, were trying to
20 clean the blood up because we didn't want Dad to get in
21 trouble. Even though we didn't like what he was doing,
22 we loved them both, but we didn't want them to be in
23 too much trouble.

24 Anyway, there were other times when we'd get
25 together in the bedroom at night and put the pillows

1 over our ears so we wouldn't hear the fighting, and you
2 could hear them pushing each other off the wall and
3 down the hall, and you never knew whether or not one
4 was going to get killed.

5 So finally as we kept getting older and got
6 tired of the fighting -- It almost seemed like they
7 enjoyed fighting with each other because they would
8 never leave each other alone. My father would say --
9 After that incident in particular they were separated
10 for a while, and it was actually wonderful because you
11 could see Dad at grandma's house, and it was good, and
12 you could see Mom at Mom's house, and it was good, but
13 then he would send her like this record on Englebert
14 Humperdink, *Please Release Me - Let Me Go*, and then he
15 would have some -- in some lady's car driving by
16 beeping the horn and letting Mom know that he was
17 having a good time, and then the next thing you'd know
18 he would be knocking on the door and Mom would be
19 taking him back. I remember Mom took him back, and all
20 of us kids got in one room and said, "I don't want ..."
21 We weren't going to talk to either of them anymore. We
22 were so angry that they got back together that we
23 didn't want to talk to either of them anymore.

24 Q Mrs. Davis, in 1970, you left home, is that
25 correct, and went to college?

1 A Yes.

2 Q And you didn't see Jon from that point on for
3 any extended period of time until roughly 1984. Is
4 that generally correct?

5 A Yes.

6 Q How did you come back into contact with Jon
7 on a frequent basis?

8 A Jon didn't never really have any good role
9 models in his life. My mother -- By the way, my father
10 -- If I could go back, my father died, and I remember
11 coming home -- I went out to get ice cream actually,
12 and when I came home the ambulance was in the driveway,
13 and when I pulled up, I thought that one of them had
14 already killed each other -- killed somebody, but it
15 was my father had died of a heart attack. My mother
16 remarried again, another man. I don't know anything
17 about this because I was away at college, but he also
18 was abusive and very mean to Jon, but I can't say.

19 THE COURT: She says she doesn't know
20 anything about that, so let's move to something else.

21 MR. MAYO: Yes, sir.

22 A So anyhow, Jon, though, was having trouble at
23 home. He was getting in trouble. And I had married
24 this wonderful man, and he would be a great role model.
25 So we decided that it would be best if maybe we could

1 take Jon down to live with us in North Carolina where
2 my husband would be able to handle him. My husband is
3 6'5", he was in the 82nd Airborne. At that time we
4 owned a Golden Corral Restaurant and also I was
5 teaching school. So we thought if he could come in and
6 be with us, we could be role models for Jon.

7 Q Debbie, did you at that point have Jon come
8 to your home?

9 A Yes, we asked him to come live with us. We
10 went and picked him up. My husband and another brother
11 that was living down in North Carolina went up and
12 picked Jon up to bring him down to live with us.

13 Q How long did he live with you?

14 A I'm not sure. It was less than a year. He
15 moved out and got a place of his own after a while
16 because our rules were pretty strict. Drinking wasn't
17 allowed in our house or drugs or women spending the
18 night or anything like that, so, you know ... He was a
19 wonderful person at home, very helpful. He would help
20 anybody do anything. And then what he did was he
21 decided to get an apartment of his own. So he moved in
22 with some guy, and he was so excited about this and got
23 all this nice stereo equipment, and he was doing very
24 well, got a job, but this guy that he was living with
25 had to -- couldn't afford it and moved out, which meant

1 that Jon then couldn't afford to live there, so he then
2 moved in with a girl in this apartment complex.
3 Anyhow, after moving in with her, Billie lived next
4 door to this girl, and Jon somehow got hooked up with
5 Billie, and then the next thing that we knew, they were
6 getting married.

7 Q Billie became pregnant also; is that correct?

8 A That's right. And Jon really loved the two
9 little girls that she already had, and we were very
10 excited about the whole situation.

11 Q Did he talk about the children?

12 A Yes, how wonderful they were. He would bring
13 them over to the house. Even in the wedding, I believe
14 it was Jennie, wanted to be with Jon and wouldn't even
15 let them walk down the aisle. She just kept going, "My
16 Jon. My Jon. My Jon." He just adored the children.
17 He was always with them. He used to bring them over to
18 my house for dinner. The first house when Jon came
19 down, I had a swimming pool, and they liked to come
20 over and go swimming at my house, and then we moved and
21 there was a little playground right beside my house,
22 and they would come and play in the playground all the
23 time. Billie was going at that time to school, so she
24 wasn't home a lot.

25 Q Debbie, in your opinion did Jon take good

1 care of the children?

2 A He was a wonderful daddy. He was just
3 absolutely wonderful. He didn't always dress them
4 appropriately because you could tell he was one of
5 those proud dads that would bring their little girls
6 over and put the pretty little dress on with the little
7 patent leather shoes and the little socks because he
8 wanted them to look pretty, but you'd be like, "Jon,
9 why don't you put some pants on or some sweat pants.
10 Let them go out and just have fun." But he was just so
11 proud of them and always -- He was a wonderful dad. He
12 played with all of them. Even though he had two
13 children of his own with Billie, the other two I don't
14 think would have ever felt like they didn't also. He
15 loved them equally. He loved them all.

16 Q Debbie, did Jon discuss his youngest daughter
17 with you, Jessie, the little girl who suffers from
18 cerebral palsy?

19 A Yes. The last five years when I was teaching
20 school I specialized in working with developmentally
21 handicapped children, and what he would do, we did a
22 lot of things with music for rehabilitation purposes,
23 and he knew that -- he had seen me doing these tapes
24 with the kids when he came home for -- We had this
25 little reunion with my brother, Jeff, who passed away,

1 and all the kids got together and did all these musical
2 things, and he saw how much fun they all had, so he
3 asked me if I would make these tapes up for Jessie to
4 help her with her rehabilitation, and I also told him
5 exercises that he could do with Jessie for her legs
6 because he said how wonderful -- you know, how strong
7 she was and how she would stand up at the table, and he
8 said -- and she just loved music. So these particular
9 tapes would stop -- would allow you to, you know, move
10 the body parts and make your knees knock and shake your
11 hands, the Beanbag Boogie, the Body Rock, all these
12 little wonderful songs that would make her be able to
13 do things with her sisters that would be fun for all of
14 them that would really be therapeutic for Jessie, and I
15 regret that I never made the tape and sent it.

16 Q Did Jon's father deny that Jon was his child?

17 A My father was an alcoholic.

18 THE COURT: Answer the question now that he
19 asked you, please, ma'am. That's what you need to do.
20 Listen to what his questions are and answer those
21 questions.

22 THE WITNESS: Yes, sir.

23 A Yes, he did, because my grandfather told him
24 that Jon was not his. And what happened is, he would
25 take the other boys and he would walk them around on

1 his shoulders like a piggy-back ride, and then when it
2 came time to be Jon's turn, Jon would be standing there
3 going, "Daddy, my turn, my turn," and Daddy would walk
4 away from him. He denied him all the time. He
5 wouldn't take him and put him on his back or anything.
6 There was definitely hostility. He would take my
7 brother, Joel, out for ice cream cones, and instead of
8 letting him eat the ice cream cone at the place, he
9 would bring them back and eat them in front of Jon and
10 not give Jon any. And so therefore my mother seemed to
11 be more prone to favoring Jon because of the lack of
12 love that my father was giving him.

13 MR. MAYO: Thank you, Debbie.

14 MR. WOODALL: No questions.

15 (WITNESS EXCUSED.)

16 - - - - -

17 KATHY HUGO was called and being first duly
18 sworn, was examined and testified as follows:

19 THE COURT: Ma'am, let me say this to you. I
20 know this is -- you're under a terrific strain with the
21 situation. Now if you'll listen to what the lawyer
22 asks you and answer that question and then stop, it'll
23 be better. You understand?

24 THE WITNESS: Yes, sir.

25 THE COURT: All right, go ahead.

1 DIRECT EXAMINATION

2 BY MR. MAYO:

3 Q Would you state your name for the Court,
4 please, ma'am?

5 A Kathy Hugo.

6 Q Ms. Hugo, you are one of Jon's sisters; is
7 that correct?

8 A Yes.

9 Q Ms. Hugo, are you the oldest of the children?

10 A Yes.

11 Q Ms. Hugo, did you live under the same roof
12 with Jon as he was growing up?

13 A Yes.

14 Q You were several years older than Jon; is
15 that right?

16 A Yes.

17 Q Once you moved out of the home, did you move
18 into another house that was close by to the family
19 home?

20 A Yes. We had a mobile home that was on the
21 same property. My parents owned four acres of ground.
22 It was very close.

23 Q Was there violence and abuse between your
24 mother and your father as Jon grew up?

25 A Yes.

1 Q Your sister, Debbie, just told us of some
2 episodes. One episode was where your father pulled
3 your mother's hair out.

4 A Yes.

5 Q And beat her head into the floor. To be
6 brief, Ms. Hugo, is it true that there were other
7 episodes like that?

8 A Yes.

9 Q Was there also a lot of verbal threats
10 between them?

11 A Yes.

12 Q Did your father threaten to kill your mother?

13 A I don't know, but I know at one time I was
14 afraid he would.

15 Q Is that based upon what you saw?

16 A Yes.

17 Q And what you heard?

18 A Yes.

19 Q There was a potentially bad day for the
20 family which was report card day. Is that also true?

21 A Yes, it was a day I always hated.

22 Q Your father would be very upset and abusive
23 with the family.

24 A With my brothers. My sisters and I made
25 pretty good grades, but my brothers didn't, and he

1 always made us give him the report cards before we ate
2 dinner, and he always was so upset with them and yelled
3 at them so bad that I just always felt like it didn't
4 matter how good you did because it was so awful.

5 Q Ms. Hugo, we're not talking about just a
6 father getting on to his children about bad grades; is
7 that correct? He would be pretty rough with them.

8 A Yes. He made my brothers do things.

9 Q He didn't treat Jon very well either, did he?

10 A No.

11 Q Once your father died in 1977, your mother
12 remarried. Is that also correct?

13 A He died in 1974.

14 Q I'm sorry, 1974.

15 A And my mother got remarried.

16 Q The man that she remarried, did Jon live in
17 that house with them?

18 A With my mother and her husband?

19 Q Yes.

20 A Yes.

21 Q And in that house, did he also have an
22 alcohol problem?

23 A It my opinion. He was also on a lot of
24 different medications.

25 Q Was he abusive with your mother?

1 A Yes. He was very verbally abusive, too, very
2 foul language. I never felt like he liked any of us.

3 Q Is there anything that you would like to say
4 to the Court before you end your testimony?

5 THE COURT: Ask her a question if you will.

6 MR. MAYO: Your Honor, I'll withdraw the
7 question. That's all.

8 (WITNESS EXCUSED.)

9 - - - - -

10 CHERYL ARBOGAST was called and being first
11 duly sworn, was examined and testified as follows:

12 THE COURT: I know this is a fine
13 circumstance for you, but the lawyer is going to ask
14 you some questions. If you will, try to pay attention
15 to those questions and answer them. Just answer those
16 questions and stop, would you?

17 Go ahead.

18 DIRECT EXAMINATION

19 BY MR. MAYO:

20 Q Would you state your name for the Court,
21 please?

22 A Cheryl Arbogast.

23 Q Ms. Arbogast, we're going to need to be brief
24 here. Did you grow up in the same household as Jon?

25 A I did.

1 Q Your sisters have already testified as to the
2 violence occurring in the house. Is it true that there
3 was a lot of violence that occurred between you father
4 -- mainly by your father, committed upon your mother?

5 A That's true.

6 Q Were there terrible fights?

7 A Yes, very terrible.

8 Q With blood on the floor and the walls?

9 A Yes, and fistfuls of hair.

10 Q Was there a lot of verbal abuse between your
11 father and mother?

12 A Constantly.

13 MR. MAYO: That's all the questions I have,
14 Your Honor.

15 MR. WOODALL: No questions.

16 (WITNESS EXCUSED.)

17 - - - - -

18 CAROL ALEXANDER was called and being first
19 duly sworn, was examined and testified as follows:

20 DIRECT EXAMINATION

21 BY MR. MAYO:

22 Q Would you state your name for the Court,
23 please, ma'am?

24 A Carol Alexander.

25 Q Ms. Alexander, are you Jon Hall's mother?

1 A Yes, I am.

2 Q Ms. Alexander, your daughters have already
3 testified that there was a lot of violence between --
4 or committed by your husband upon you. Is that true,
5 Ms. Alexander?

6 A Yes.

7 Q Ms. Alexander, did he drink real heavy, your
8 husband?

9 A Yes.

10 Q Did you have fights that required calling the
11 police?

12 A Yes.

13 Q Were the kids requested to contact 911?

14 A Yes.

15 Q Telephones pulled out of the wall?

16 A Yes.

17 Q Ms. Alexander, did you observe Jon Hall with
18 his children roughly in 1993 at a family reunion?

19 A Yes, I did. My son that lived in Texas was
20 dying, and the kids hadn't seen each other all at the
21 same time for a long time, so they decided to get all
22 together as a surprise to me, and it was July the 3rd,
23 and they all came home, and Jon brought the two little
24 -- his older two girls was visiting his wife, Karen,
25 wherever they lived, and he brought the two younger

1 kids from Tennessee all the way to Pennsylvania.

2 Q Ms. Alexander, did he take care of the
3 children in your presence?

4 A He took care of them the whole time they were
5 there. Jessie was -- Well she has cerebral palsy, and
6 she had breathing problems, and he had a breathing
7 machine that he would give her these breathing
8 treatments.

9 Q Did Jon love his children?

10 A And changed her diapers and --

11 Q Ms. Alexander, did Jon love his children?

12 A Yes, he did. It always surprised me that all
13 my boys took such good care of their kids when their
14 father never changed a diaper or fed one of them a
15 bottle or ever picked them up and held them. He was
16 always going to do something with them with when they
17 got to be teenagers.

18 Q Ms. Alexander, thank you.

19 MR. WOODALL: No questions.

20 **(WITNESS EXCUSED.)**

21 MR. MAYO: That's all, Your Honor.

22 MR. FORD: We rest.

23 THE COURT: Anything further, General?

24 MR. WOODALL: No, Your Honor.

25 **(The jury retired from open court,**

1 **and the following proceedings were**
2 **had to-wit:)**

3 MR. EARLS: Just as a precautionary matter,
4 the defense has rested, and, of course, they know how
5 to prosecute their own case, but in light of the
6 complaints Mr. Hall has been making, I want to make
7 sure that he has a right to testify and that that's put
8 on the record.

9 THE COURT: What do you say, gentlemen?

10 MR. FORD: Your Honor, he understands that,
11 and I appreciate Mr. Earls' concern about that, but I
12 don't think it's necessary to go into that.

13 THE COURT: All right. Well you've explained
14 to him what his rights are, is that right, with regard
15 to testifying?

16 MR. FORD: Yes, sir.

17 THE DEFENDANT: Objection, Your Honor.
18 Remember I told you that --

19 THE COURT: If you will, please, sir, listen
20 to me now. Talk to your lawyers and let them talk.
21 I'm not going to let you talk. Just have a seat. And
22 I'm fixing to remove you from the room if you don't.

23 THE DEFENDANT: The jury is not here.

24 THE COURT: Talk to the lawyers. I don't
25 care whether the jury is here or not.

1 THE DEFENDANT: Here is the motion I told you
2 that if I wanted to testify you would remove the flags
3 of war, and here is the --

4 MR. MAYO: Your Honor, Mr. Hall has brought
5 that to my attention, and I'd like to address Your
6 Honor on it.

7 THE COURT: Yes, sir.

8 MR. MAYO: Your Honor, Mr. Hall has filed a
9 motion in this court asking Your Honor to remove the
10 flag of war, which is the flag he claims -- the flag
11 behind you, the United States flag. If Your Honor
12 would remove that flag from this courtroom, he states
13 that he would testify. If Your Honor doesn't remove
14 the flag, then he won't bring himself inside the
15 sanctuary of the bar and he refused to testify. So his
16 request is that Your Honor remove the flag.

17 THE COURT: Mr. Mayo, that's the flag of the
18 United States and it's properly displayed here. He has
19 in some of his motions alleged something about a war
20 flag, as I understand it maybe because the eagle is on
21 top of the flag. It's not for him to determine whether
22 this is a legitimate flag or not. The Court so holds
23 it's a legitimate flag. He has the opportunity to
24 testify or not testify, and that flag will stay here as
25 long as I'm judge and sitting on this bench.

1 MR. MAYO: Yes, sir.

2 THE COURT: You're not the one to determine
3 what the flag is. You're in court here, and if you
4 want to abide by the rules, I'll allow you to testify,
5 but if you don't, you will not testify.

6 MR. FORD: Your Honor, one other matter, on
7 the State's notice regarding aggravating circumstances,
8 the heinous, atrocious, cruel, we don't object to that
9 one. However, number two, the murder was committed for
10 the purpose of avoiding, interfering with or defending
11 a lawful arrest or prosecution of the defendant or
12 another, we object to that.

13 THE COURT: Well wouldn't that be a question
14 for the jury? If he eliminates her as a witness, that
15 she couldn't testify? Wouldn't that be a question for
16 the jury about that second one?

17 MR. FORD: Eliminate her as a witness, Your
18 Honor?

19 THE COURT: Well I assume as a witness to
20 tell what happened. That's what he's talking about,
21 isn't it?

22 MR. FORD: That's avoiding or interfering
23 with the preventing of a lawful arrest.

24 THE COURT: Hindering prosecution.

25 MR. FORD: Yes, sir. We object to that.

1 There's been no proof that he has avoided arrest.

2 There has been no proof that --

3 THE COURT: Well there's been some proof he
4 did what he was charged with. The jury found him
5 guilty, and he left there and fled to Texas.

6 MR. FORD: I understand what the Court is
7 saying, Your Honor. We would just object for the
8 record.

9 THE COURT: What's your contention, General?

10 MR. WOODALL: I think Your Honor is correct.

11 THE COURT: Are you saying that I should not
12 allow that?

13 MR. WOODALL: I'm saying you ruled properly.

14 THE COURT: All right, sir. My ruling is
15 that I'm going to allow that. The other that we talked
16 about, the State finally accepted that -- my ruling and
17 said that they would make no objection for it, and I
18 think that was something that -- the attitude they've
19 had. I'm going to overrule your motion.

20 MR. FORD: Yes, sir. Your Honor, Mr. Hall
21 wants to be removed during the arguments.

22 MR. WOODALL: Fine.

23 THE COURT: All right. Bring Mr. Hall into
24 the office. I don't have any problem with that.

25 When Mr. Woodall gets through, bring him

1 back.

2 (The jury returned into open court;
3 and the following proceedings were
4 had to-wit:)

5 THE COURT: All right, ladies and gentlemen
6 of the jury, so there will be no misinterpretation by
7 the jury, this should not mean anything, the Defendant
8 himself requested he be allowed to wait in the other
9 room during the General's argument, and I allowed him
10 to do that. He'll be brought back after the argument.
11 The fact he asked that should have no affect on you,
12 any of you, for any purpose.

13 (Arguments were heard on behalf of
14 the State and the Defendant, without
15 objection; and the Court charged
16 the jury as follows:)

17 THE COURT: Members of the jury, you have
18 found the Defendant guilty beyond a reasonable doubt of
19 murder in the first degree as charged in the Indictment
20 Number 96-589. It is now your duty to determine within
21 the limits prescribed by law the penalty which shall be
22 imposed as punishment for these offenses.

23 Tennessee Law provides that a person
24 convicted of murder in the first degree shall be
25 punished by death, by imprisonment for life without

1 possibility of parole, or by imprisonment for life. A
2 defendant who receives a sentence of imprisonment for
3 life shall not be eligible for parole consideration
4 until the defendant has served at least 25 years of
5 such sentence. A defendant who receives a sentence of
6 imprisonment for life without parole shall never be
7 eligible for release on parole.

8 In arriving at this determination, you are
9 authorized to weigh and consider any mitigating
10 circumstances and any statutory aggravating
11 circumstances which may have been raised by the
12 evidence in the entire course of this trial, including
13 the guilt phase or the sentencing phase or both. The
14 jury is the sole judge of the facts and the law as it
15 applies to the facts in the case. In arriving at your
16 verdict, you are to consider the law in connection with
17 the facts, but the Court is the proper source from
18 which you are to get the law. In other words, you are
19 the judges of the law as well as the facts under the
20 direction of the Court.

21 The burden of proof is upon the State to
22 prove any statutory aggravating circumstance or
23 circumstances beyond a reasonable doubt. A reasonable
24 doubt is a doubt based upon reason and common sense
25 after careful and impartial consideration of all the

1 evidence in this case.

2 It is not necessary that the aggravating
3 circumstance or circumstances be proved beyond all
4 possible doubt, as absolute certainty is not demanded
5 by the law.

6 A reasonable doubt is just that, a doubt that
7 is reasonable after an examination of all the facts of
8 this case.

9 The law makes you, the jury, the sole and
10 exclusive judges of the credibility of the witnesses
11 and the weight to be given to the evidence.

12 AGGRAVATING CIRCUMSTANCES

13 Tennessee law provides that no sentence of
14 death or sentence of imprisonment for life without
15 possibility of parole shall be imposed by a jury but
16 upon a unanimous finding that the State has proved
17 beyond a reasonable doubt the existence of one or more
18 of the following statutory aggravating circumstances
19 which are limited to the following:

20 (1) The murder was especially heinous,
21 atrocious or cruel in that it involved torture or
22 serious physical abuse beyond that necessary to produce
23 death;

24 (2) the murder was committed for the purpose
25 of avoiding, interfering with or preventing a lawful

1 arrest or prosecution of the Defendant.

2 In the instruction, heinous means grossly
3 wicked or reprehensible, abominable, odious or vile.

4 Atrocious means extremely evil or cruel,
5 monstrous, exceptionally bad, abominable.

6 Cruel means disposed to inflict pain or
7 suffering, causing suffering, painful.

8 Torture means the infliction of severe
9 physical or mental pain upon the victim while he or she
10 remains alive and conscious.

11 Serious physical abuse means or alludes to a
12 matter of degree. The abuse must be physical as
13 opposed as mental, and it must be beyond that or more than
14 what is necessary to produce death. Abuse is defined
15 as an act that is excessive or which makes improper use
16 of a thing, or which uses a thing in a manner contrary
17 to the natural or legal rules for its use.

18 Members of the jury, the Court has read to
19 you the aggravating circumstances which the law
20 requires you are to consider if you find beyond a
21 reasonable doubt that the evidence was established.
22 You shall not take account of any other facts or
23 circumstances as the basis for deciding whether the
24 death penalty or imprisonment for life without
25 possibility of parole would be appropriate punishment

1 in this case.

2 Tennessee law provides that in arriving at
3 the punishment, the jury shall consider as previously
4 indicated any mitigating circumstances which shall
5 include, but are not limited to, the following:

6 (1) The murder was committed while the
7 Defendant was under the influence of extreme mental or
8 emotional condition.

9 (2) The capacity of the Defendant to
10 appreciate the wrongfulness of his conduct or to
11 conform his conduct to the requirements of the law was
12 substantially impaired as a result of mental disease or
13 defect or intoxication which is insufficient to
14 establish a defense to the crime but which
15 substantially affected his judgment.

16 (3) The Defendant was a good worker and
17 employee.

18 (4) The Defendant surrendered to the
19 authorities peacefully and without resistance.

20 (5) The Defendant cooperated fully with the
21 police.

22 (6) The Defendant has acknowledged and never
23 denied his responsibility for this crime.

24 (7) The crimes committed were out of
25 character for the Defendant.

1 (8) The Defendant has no significant history
2 of prior criminal activity.

3 (9) The Defendant's judgment was
4 substantially impaired due to the extreme violence he
5 witnessed his father commit upon his mother.

6 (1) That the Defendant was a caring and
7 nurturing father who loves his children and took
8 special care of the Defendant's youngest daughter who
9 has cerebral palsy.

10 (11) That the Defendant immediately
11 confessed and showed remorse over the crime.

12 (12) Any other mitigating factor which is
13 raised by the evidence produced by either the
14 prosecution or defense at either the guilt or
15 sentencing hearing; that is, you shall consider any
16 aspect of the Defendant's character or record, or any
17 aspect of the circumstances of the offense favorable to
18 the Defendant which is supported by the evidence.

19 The Defendant does not have the burden of
20 proving a mitigating circumstance. If there is some
21 evidence that a mitigating circumstance exists, then
22 the burden of proof is upon the State to prove, beyond
23 a reasonable doubt, that the mitigating circumstances
24 do not exist.

25 There is no requirement of jury unanimity as

1 to any particular mitigating circumstance or that you
2 agree on the same mitigating circumstance.

3 VERDICT - LIFE IMPRISONMENT OR LIFE IMPRISONMENT
4 WITHOUT POSSIBILITY OF PAROLE

5 If you do not unanimously determine that a
6 statutory aggravating circumstance has been proved by
7 the State beyond a reasonable doubt, the sentence shall
8 be life imprisonment. You will write your verdict upon
9 the enclosed form attached hereto and made a part of
10 this charge.

11 The verdict shall be as follows:

12 We, the jury, unanimously find that the
13 punishment shall be life imprisonment.

14 If you unanimously determine that a statutory
15 aggravating circumstance or circumstances have been
16 proved by the State beyond a reasonable doubt but that
17 said statutory aggravating circumstance or
18 circumstances have not been proved by the State to
19 outweigh any mitigating circumstances beyond a
20 reasonable doubt, you shall, in your considered
21 discretion, sentence the Defendant either to
22 imprisonment for life without possibility of parole or
23 to imprisonment for life. In choosing between the
24 sentences of imprisonment for life without possibility
25 of parole and imprisonment for life, you shall weigh

1 and consider the statutory aggravating circumstance or
2 circumstances proven by the State beyond a reasonable
3 doubt and any mitigating circumstance or circumstances.
4 In your verdict you shall reduce to writing the
5 statutory aggravating circumstances so found and shall
6 return your verdict upon the enclosed form attached
7 hereto and made a part of the charge, and the verdict
8 should be as follows:

9 We, the jury, unanimously find that the State
10 has proven the following listed statutory aggravating
11 circumstance or circumstances beyond a reasonable
12 doubt.

13 We, the jury, unanimously find that such
14 statutory aggravating circumstance or circumstances do
15 not outweigh any mitigating circumstance or
16 circumstances beyond a reasonable doubt, therefore, you
17 shall then then indicate on the enclosed verdict form
18 either:

19 We, the jury, unanimously agree that the
20 Defendant shall be sentenced to imprisonment for life
21 without possibility of parole; or,

22 We, the jury, unanimously agree that the
23 Defendant shall be sentenced to imprisonment for life.

24 The verdict must be unanimous and signed by
25 each juror.

1 VERDICT - DEATH

2 If you unanimously determine that at least
3 one statutory aggravating circumstance have been proven
4 by the State beyond a reasonable doubt and said
5 circumstance or circumstances have been proven by the
6 State to outweigh any mitigating circumstance or
7 circumstances beyond a reasonable doubt, the sentence
8 shall be death. The jury shall reduce to writing the
9 statutory aggravating circumstance or statutory
10 aggravating circumstances so found, and signify that
11 the State has proven beyond a reasonable doubt that the
12 statutory aggravating circumstance or circumstances
13 outweigh any mitigating circumstances.

14 You will write your finding and verdict on
15 the enclosed form attached hereto and made a part of
16 this charge. Your verdict shall be as follows:

17 We, the jury, unanimously find the following
18 listed statutory aggravating circumstance or
19 circumstances.

20 We, the jury, unanimously find that the State
21 has proven beyond a reasonable doubt that the statutory
22 aggravating circumstance or circumstances so listed
23 above outweigh any mitigating circumstances.

24 Therefore, we, the jury, unanimously find
25 that the punishment shall be death.

1 The verdict shall be unanimous and signed by
2 each juror.

3 Take the case, consider all the evidence
4 fairly and impartially, complete the three forms and
5 report your verdict to the Court.

6 You may retire and begin your deliberations.

7 Anything further for the State?

8 MR. WOODALL: No, Your Honor.

9 THE COURT: Anything further for the
10 Defendant?

11 MR. FORD: Yes, Your Honor. May we approach?

12 **(There was a conference at the**
13 **bench out of the hearing of the**
14 **jury as follows:)**

15 MR. FORD: Your Honor, we had marked through
16 the last mitigating circumstance, and the Court read it
17 to the jury.

18 THE COURT: Well, I didn't read it.

19 MR. WOODALL: Yes, you weren't supposed to.

20 THE COURT: Wasn't supposed to?

21 MR. FORD: Yes, sir.

22 THE COURT: Do you want me to tell them? It
23 wasn't marked out here. This is the one submitted to
24 me by you.

25 MR. FORD: I understand. I thought it was.

1 THE COURT: What do you want me to do?

2 MR. FORD: Just make sure it's marked

3 through.

4 THE COURT: That will be satisfactory?

5 MR. FORD: Yes, sir.

6 **(End of conference at the bench.)**

7 **(The jury retired to begin**

8 **deliberations at 4:05 p.m.,**

9 **and the following proceedings**

10 **were had to-wit:)**

11 MR. WOODALL: I think the jury should have

12 the photographs and the mannequin to take with them.

13 MR. FORD: Only if they request them. That's

14 our position.

15 THE COURT: I'm going to send them.

16 MR. WOODALL: We've also agreed, Your Honor,

17 to exchange photographs for the mannequin for the

18 purposes of this record.

19 MR. FORD: Yes, sir.

20 THE COURT: The Defendant agrees with that?

21 MR. FORD: Yes, sir.

22 **(The jury returned into open court**

23 **at 5:53 p.m., and the following**

24 **proceedings were had to-wit:)**

25 THE COURT: Will the foreman please rise?

1 What is the verdict of the foreman, ladies
2 and gentlemen?

3 FORELADY: We find that the punishment should
4 be death.

5 THE COURT: Sentenced to death?

6 FORELADY: Yes.

7 THE COURT: All right. I'll call your name.

8 **(The jury was polled and all**
9 **jurors answered in the affirmative.)**

10 THE COURT: Mr. Hall, please stand.

11 The jury having found you guilty of murder in
12 the first degree, I commit you to the Department of
13 Corrections to be returned here on --

14 Is it March the 19th?

15 March the 19th for sentencing.

16 You may take the prisoner.

17 MR. EARLS: Your Honor, I don't believe he
18 comes back for sentencing.

19 MR. WOODALL: I believe Your Honor is
20 supposed to impose the sentence at this time.

21 THE COURT: Is that right?

22 MR. WOODALL: Yes, sir.

23 THE COURT: All right. It is the judgment of
24 the Court that you be sentenced to die in the electric
25 chair, and your date for execution is set at July the

1 5th.

2 What's July the 5th on?

3 COURT OFFICER: July the 5th is a Saturday,
4 Your Honor.

5 THE COURT: All right, July the 3rd at six
6 a.m.

7 Take the prisoner.

8 THE DEFENDANT: Don't I get to say anything?

9 THE COURT: No, sir.

10 THE DEFENDANT: Thank you.

11 - - - - -

12 **END OF REQUESTED PROCEEDINGS.**

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